

## **Exhibit R**

*faxed  
7-23-02  
BPC*



# RESPIRATORY TESTING SERVICES, Inc.

4362 Midmost Dr., Suite A • Mobile, AL 36609 • (251) 341-0206

July 23, 2002

VIA FACSIMILE: 432-4074

Charles J. Fleming, Esquire  
Post Office Box 1204  
Mobile, AL 36633

**COPY**

RE: Fitzgerald

Dear Charlie,

Included along with this letter you will find a flight log documenting a trip made to Charlottesville, VA on July 25, 1997. This was my first meeting with Mike Fitzgerald. He had invited me to come for lunch and to present RTS's testing procedures. My pilot, Zac Johnson, also attended the presentation in which I outlined the way our screenings were held. At that time, the process included a full medical testing on site (mobile) with 2 views of x-rays read on site by a B-reader who would order a PFT, medical history and complete work history on patients showing any evidence of asbestosis. The price at that time was \$775.00 for positives and \$175.00 for negatives (\$75.00 for x-ray and \$100.00 for B-reader). The breakdown is as follows:

Dr.	\$ 250.00
PFT	225.00
X-ray	175.00
Sign-in/make appts.	<u>125.00</u>
	\$ 775.00

At that meeting (with Zac Johnson as a witness) Fitzgerald agreed this procedure was the best method by which to handle a screening.

I have also included a copy of some notes I found from a meeting I had with Mike Fitzgerald and Al Scadini in Branson, MO on August 26, 1999. These notes were confirmation of an earlier phone conversation I had with Mike Fitzgerald in May of 1999 detailing some changes in our previous agreement.

If you have any questions, please give me a call.

Sincerely,

Charles E. Foster, Sr.

CEFSr/bpc  
Enclosures

MOB - Mobile, AL  
AHN - Athens, GA  
CHO - Charlottesville, VA  
PDK - Atlanta, GA  
MOB - Mobile, AL

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Date: 7/23/97      Bobbs Finish: 1437.6

Flight: MOB-AHN-CHO-PDK-MOB      Bobbs Start: 1479.2

                                        Total Time : 8.4

Oil L:                                Oil R:

Fuel: MOB 50.0 gal @ \$2.19 = \$109.50      AHN 89.0 gal @ \$2.16 = \$192.84

Squawks: CHO 92.6 gal @ \$2.18 = \$201.87      PDK 102.1 gal @ \$2.30 = \$234.83

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AB 501F" Pearson No. 8-16-77

FITZGERALD'S MEETING

PHONE CALL'S ON MAIL OUTS = ~~7.25~~<sup>75</sup> BECAUSE  
WE HAVE A AVERAGE OF 4 PHONE CALL'S PER  
APPOINTMENT, ALSO WE DO 2 MAIL OUTS.

SEE NOTE  
#12  
1 FOR ALL UNION MEMBERS, AND WE ~~DO~~<sup>WE</sup> MAIL OUT  
A APPOINTMENT LETTER TO EVERYONE THAT HAS  
CALLED IN FOR APPOINTMENT AS A REMINDER

✓ 2.

~~PRICE ON STICK COSTS = 0 + 0~~  
~~PAS. + AM/ ONLY 300<sup>00</sup> NO~~

PRICE ON NEG. = ~~200<sup>00</sup>~~<sup>135<sup>00</sup></sup> PD. WITH IN 10 DAY'S

OR TESTING

~~6500<sup>00</sup>~~ SPIN 535<sup>00</sup>

✓ 3.

PRICE ON POS. = ~~800<sup>00</sup>~~<sup>135<sup>00</sup> WITH 200<sup>00</sup></sup>

~~PAY WITH IN 10 DAY'S OR TESTING A BAL.~~

~~OF 600<sup>00</sup> DUE 180 DAY'S OR 6 MONTH'S OR TEST~~

~~- DATE~~

✓ 4.

~~1/2 OF TRAVEL EXPENSE ANYTHING OVER  
500 MILES OF OUR MOBILE OFFICE  
(PLANE FARE OR RENTAL CARS OR VANS)~~

✓ 5.

PAY FOR ALL SHIPPING OF ~~EX~~ RAYS AND  
RADICALS

✓ 6.

PAY FOR MY EXPENSE TO GO TO THESE  
PIPE TRADES AND BUILDING TRADES MEETINGS  
TO SPEAK AT THEM

3. SPLIT THE COST OF ALL GIFTS  
BY PIPE TRADES AND BUILDING TRADES  
MANTINE = GOLF BALLS - LETTER OPENERS  
HATS & COFFEE CUPS & MUGS ETC.  
DONATION TO SPONSOR GOLF TOURNAMENTS

~~WE ARE~~ 8,  
PAYING  
DR. SAME  
FOR POS + MB.

X 4. BURNT BODY IS GOING TO THE FULL TEST  
ON BURN ONE OR ~~BY~~ <sup>225.00</sup> BY X RAY & PET  
WITH BARRIER ON SITE AND THEN GOING  
BACK WITH INTERNAL MEDICINE DR. TO  
DO ~~PHYSICAL~~ <sup>125.00</sup> ON POS. OR FULL TEST  
550.00 ON POS. & NEG. WITH 150.00 DUE  
WHEN MEDICALS ARE DELIVERED AND 200.00 DUE  
IN 780.00 AND 200.00 BAL DUE IN ANOTHER  
150. DAYS

9. I DONATE MONEY FOR GOLF HOLES  
AND SOMETIMES HAVE TO SPONSOR DIFFERENT  
THING SUCH AS GIFTS TO RAFFLE OFF  
AT THESE CONVENTION'S. AND WE HAVE  
ALL RECEIPTS

10

I TAKE UNION OFFICIALS AND TRADES  
START OUT TO BET AT THESE  
MEETINGS SUCH AS 500.00 PLUS, AT  
COCO BRAVO PLATINUM STARS @ PIPE  
FITTINGS (IND.) (N/H) NEW ENGLAND ~~PIPE~~  
PIPE TRADE CONV. OVER 500.00 FOR  
FIFO, LATE FEES THE OLDEST 300.00

11. INDO IN. Green Honey & Food  
APPROX 450.00

✓ 12. FOLDING LETTER WILL CUT COST ON MAIL  
OUT BUT MOST OF THOSE GET THROWN  
IN TRASH BECAUSE PEOPLE THINK ITS JUNK  
MAIL. <sup>WE HAVE</sup> OUR MAIL OUT ENVELOPES PRINTED  
! IMPORTED COMMON INFORMATION!  
INSIDE

13. WHEN AL OR CHUCK GETS US A CONTACT  
WE PUT A LOT OF WORK AND TIME  
INN PUTTING TOGETHER A TASTING

NOTES AGREED ON IN MAR/ 1999  
BY PHONE

DR.	225	250
PFT	175	225
X-RAY	150	175
STRESS	100	125
MEALS	<hr/>	
APPOINTMENTS	650	795

X-RAY  
B-READ

① 75

100

MR. FITZGERALD INVITED ME TO COME TO CHARLESTON VA, FOR LUNCH AND TO PERSUAD <sup>RTS's</sup> <sub>TESTING PROCEDURES</sub> #4 AS PER OUR MEETING ON JULY 25<sup>TH</sup> 1997. IN CHARLESTON VA. AFTER LUNCH I PERSUADED <sup>RTS'S</sup> <sub>TESTING PROCEDURES</sub> SCRAPPING RT THAT TIME THAT INCLUDES A FULL MEDICAL TESTING ON SITE (MOBILE) WITH 2 VIEWS <sup>OF</sup> X-RAYS READ ON SITE BY AB-READER <sup>PROFESSIONAL HISTORY & COMPLETE WORK</sup> THAT WOULD ORDER A PFT ON PATIENT THAT HAD <sup>HISTOLOGY</sup> EVIDENCE OF ASBESTOSIS.

Zee Johnson who pilot was present when <sup>After agreed this was</sup> best method

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Mobile, AL 36609  
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Fax (334)341-0213

**Charles E. Foster Sr.  
Respiratory Testing  
Services, Inc.**

# Fax

To: Charlie Fleming From: Bobbie

Fax: 432-4074 Pages: 6

Phone: Date: 7-23-02

Re: CC:

Urgent    For Review    Please Comment    Please Reply    Please Recycle

• Comments: